



General Assembly

January Session, 2009

**Substitute Bill No. 6294**

\* HB06294JUD 041409 \*

**AN ACT CONCERNING CONTRACTING RELATED MATTERS AND  
THE STATE CODES OF ETHICS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (d) of section 1-88 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2009*):

4 (d) Any person who knowingly acts in such person's financial  
5 interest in violation of section 1-84, 1-85, 1-86, [or] 1-86d, 1-86e or 1-  
6 101nn, as amended by this act, or any person who knowingly receives  
7 a financial advantage resulting from a violation of any of said sections  
8 shall be liable for damages in the amount of such advantage. If the  
9 board determines that any person may be so liable, it shall  
10 immediately inform the Attorney General of that possibility.

11 Sec. 2. Subsection (b) of section 4e-34 of the general statutes is  
12 repealed and the following is substituted in lieu thereof (*Effective June*  
13 *1, 2010*):

14 (b) Causes for such disqualification shall include the following:

15 (1) Conviction of, or entry of a plea of guilty or nolo contendere or  
16 admission to, the commission of a criminal offense as an incident to  
17 obtaining or attempting to obtain a public or private contract or  
18 subcontract, or in the performance of such contract or subcontract;

19 (2) Conviction of, or entry of a plea of guilty or nolo contendere or  
20 admission to, the violation of any state or federal law for  
21 embezzlement, theft, forgery, bribery, falsification or destruction of  
22 records, receiving stolen property or any other offense indicating a  
23 lack of business integrity or business honesty which affects  
24 responsibility as a state contractor;

25 (3) Conviction of, or entry of a plea of guilty or nolo contendere or  
26 admission to, a violation of any state or federal antitrust, collusion or  
27 conspiracy law arising out of the submission of bids or proposals on a  
28 public or private contract or subcontract;

29 (4) Accumulation of two or more suspensions pursuant to section  
30 4e-35 within a twenty-four-month period;

31 (5) A wilful, negligent or reckless failure to perform in accordance  
32 with the terms of one or more contracts or subcontracts, agreements or  
33 transactions with state contracting agencies;

34 (6) A history of failure to perform or of unsatisfactory performance  
35 on one or more public contracts, agreements or transactions with state  
36 contracting agencies;

37 (7) A wilful violation of a statutory or regulatory provision or  
38 requirement applicable to a contract, agreement or transaction with  
39 state contracting agencies;

40 (8) A wilful or egregious violation of the ethical standards set forth  
41 in sections 1-84, [and] 1-86e [,] and 101nn, as amended by this act, as  
42 determined by the Citizen's Ethics Advisory Board; or

43 (9) Any other cause or conduct the board determines to be so  
44 serious and compelling as to affect responsibility as a state contractor,  
45 including, but not limited to:

46 (A) Disqualification by another state for cause;

47 (B) The fraudulent or criminal conduct of any officer, director,

48 shareholder, partner, employee or other individual associated with a  
49 contractor, bidder or proposer of such contractor, bidder or proposer,  
50 provided such conduct occurred in connection with the individual's  
51 performance of duties for or on behalf of such contractor, bidder or  
52 proposer and such contractor, bidder or proposer knew or had reason  
53 to know of such conduct;

54 (C) The existence of an informal or formal business relationship  
55 with a contractor who has been disqualified from bidding or  
56 proposing on state contracts of any state contracting agency.

57 Sec. 3. Subsection (c) of section 1-101nn of the general statutes is  
58 repealed and the following is substituted in lieu thereof (*Effective*  
59 *October 1, 2009*):

60 (c) Any person who [violates] is found in violation of any provision  
61 of this section by the Office of State Ethics pursuant to section 1-82,  
62 may be deemed a nonresponsible bidder by a state agency, board,  
63 commission or institution or quasi-public agency.

64 Sec. 4. Subdivision (3) of subsection (a) of section 1-81 of the general  
65 statutes is repealed and the following is substituted in lieu thereof  
66 (*Effective October 1, 2009*):

67 (3) Upon the concurring vote of a majority of the board present and  
68 voting, issue advisory opinions with regard to the requirements of this  
69 part or part IV of this chapter upon the request of any person subject to  
70 the provisions of this part or part IV of this chapter and publish such  
71 advisory opinions in the Connecticut Law Journal. Advisory opinions  
72 rendered by the board, until amended or revoked, shall be binding on  
73 the board and shall be deemed to be final decisions of the board for  
74 purposes of appeal to the superior court, in accordance with the  
75 provisions of section 4-175 or 4-183. Any advisory opinion concerning  
76 the person who requested the opinion and who acted in reliance  
77 thereon, in good faith, shall be binding upon the board, and it shall be  
78 an absolute defense in any criminal action brought under the  
79 provisions of this part or part IV of this chapter that the accused acted

80 in reliance upon such advisory opinion.

81 Sec. 5. Subsection (e) of section 1-92 of the general statutes is  
 82 repealed and the following is substituted in lieu thereof (*Effective*  
 83 *October 1, 2009*):

84 (e) Upon the concurring vote of a majority of its members present  
 85 and voting, the board shall issue advisory opinions with regard to the  
 86 requirements of this part or part III of this chapter upon the request of  
 87 any person, subject to the provisions of this part or part III of this  
 88 chapter and publish such advisory opinions in the Connecticut Law  
 89 Journal. Advisory opinions rendered by the board, until amended or  
 90 revoked, shall be binding on the board and shall be deemed to be final  
 91 decisions of the board for purposes of appeal to the superior court, in  
 92 accordance with the provisions of section 4-175 or 4-183. Any advisory  
 93 opinion concerning any person subject to the provisions of this part  
 94 who requested the opinion and who acted in reliance thereon, in good  
 95 faith, shall be binding upon the board, and it shall be an absolute  
 96 defense in any criminal action brought under the provisions of this  
 97 part or part III of this chapter that the accused acted in reliance upon  
 98 such advisory opinion.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	1-88(d)
Sec. 2	<i>June 1, 2010</i>	4e-34(b)
Sec. 3	<i>October 1, 2009</i>	1-101nn(c)
Sec. 4	<i>October 1, 2009</i>	1-81(a)(3)
Sec. 5	<i>October 1, 2009</i>	1-92(e)

**GAE** Joint Favorable Subst.-LCO

**JUD** Joint Favorable